

Remarks

Claims 1-9 were pending and stood rejected. Claims 1, 2, and 9 have been amended to correct matters of form. Claims 10- 14 have been added. Applicants assert that the claims are now in condition for allowance as set forth more fully below.

Claim Objections

Claim 1 has been objected to and is hereby amended to provide the semi-colon as noted by the Examiner. As noted above, other matters of form have also been corrected in amendments to claims 1, 2, and 9.

103 Rejections

Claims 1-9 stand rejected under 35 USC 103(a) as being unpatentable over Toyoda (US Pat 6,594,490) in view of Adamany (US Pat 6,615,041).

Claims 1-6 and 11

The Office Action has rejected claim 1 by stating that Toyoda discloses all of the elements except does not specifically disclose a communication path for sending messages between the old mobile switching center and the new mobile switching center and a home location register for storing location information comprising an identification of the cellular telephone and a point code of the new mobile switching center. However, the Office Action states that Adamany discloses a system whereby the technique of Adamany may be combined with the system of Toyoda to render claim 1 obvious.

Claim 1 recites, among other things, a trunk group connected between the new mobile switching center and the old mobile switching center to route one or more telephone calls between the old mobile switching center and the new mobile switching center. Claim 1 further recites a communication link connected between the new mobile switching center and one or more switch transfer points to provide a communication path for sending messages between the old mobile switching center and the new mobile switching center.

Contrary to the assertions of the Office Action, Toyoda does not disclose a trunk group connected between the new mobile switching center and the old mobile switching

center to route one or more telephone calls between the old mobile switching center and the new mobile switching center. While figures 5 and 12 show a line between two MSCs, there is no discussion in Toyoda that this line represents a trunk group to route telephone calls between the one MSC and another MSC. The passages cited by the Office Action also do not discuss routing telephone calls from one MSC to another MSC through a trunk group connected between the two MSCs. Instead, these passages of Toyoda are concerned with providing correct location registration information for a mobile station (i.e., cellular phone) so that the mobile station can be acknowledged by the network and communications with the cellular phone can be carried on. Applicants request that should a rejection continue to be based on Toyoda, then specific language be quoted from Toyoda that discloses such a trunk group between the MSCs and that that discloses that telephone calls are routed over such a trunk group. Application of hindsight based on a reading of the present application must be avoided when determining whether the MSCs of Toyoda are connected by a trunk group.

In addition to not providing such a disclosure, Toyoda has not even contemplated an old MSC and a new MSC where the new MSC has telephone calls routed over a trunk group from an old MSC. From a lack of any disclosure to the contrary, it would appear that the MSCs of Toyoda have telephone calls routed to and from them by conventional trunk groups extending directly from the MSCs to the local exchange carriers.

In addition to the lack of disclosure in Toyoda of the claim recitations noted above, the Adamany reference that is used in the Office Action to compensate for additional deficiencies of Toyoda must be withdrawn under 35 USC 103(c). The Adamany reference is a valid reference under 35 USC 102(e) because it was filed before but issued after the present application. Additionally, the Adamany reference was owned by BellSouth Intellectual Property Corporation at the time the present invention was made, as evidenced by the assignment on record for the Adamany patent executed over two years before the filing of the present application. Furthermore, the inventors of claims 1-9 of the present application had a duty to assign the present application to BellSouth Intellectual Property Corporation at the time the invention was made, which duty they fulfilled as evidenced by the assignment on record for the present application. Accordingly, because Adamany is a 102(e) reference that was co-owned with the

invention of the present application at the time the invention of the present application was made, 35 USC 103(c) requires withdrawal of this reference which further overcomes the rejection of claim 1.

For at least the various reasons noted above, claim 1 is allowable over the rejections based on the cited references. Dependent claims 2-6 and 11 depend from an allowable claim 1 and are also allowable for at least the same reasons.

Claims 7-10

The Office Action has also rejected claim 7 by stating that Toyoda teaches all of the elements except building a signaling link between the new mobile switching center and the old mobile switching center, wherein telephone calls are set up on the trunk group to maintain cellular telephone service during cluster testing. However, the Office Action states that the technique of Adamany may be applied to the system of Toyoda to render claim 7 obvious.

Claim 7 recites, among other things, building a trunk group between the mobile switching center and an old switching center that the new mobile switching center will replace. Claim 7 further recites building a signaling link between the new mobile switching center and the old mobile switching center, wherein telephone calls are set up on the trunk group to maintain cellular telephone service during cluster testing. As discussed above and contrary to the assertions of the Office Action, Toyoda including the cited passages does not describe building a trunk group between MSCs and does not disclose setting up telephone calls on such a trunk group to maintain cellular telephone service during cluster testing. Toyoda is not concerned with replacing an old MSC with a new MSC and does not express any need to set up telephone calls over a trunk group built between the old and new MSCs. Toyoda is concerned with proper registration of a mobile station moving between existing mobile switching centers.

As discussed above, the invention of claims 1-9 of the present application was co-owned with the Adamany patent at the time the invention of the present application was made such that 35 USC 103(c) requires that the Adamany patent be withdrawn as a reference used in a rejection under section 103.

For at least these reasons, claim 7 is also allowable over the cited references. Dependent claims 8-10 depend from an allowable claim 7 and are also allowable for at least the same reasons.

New claims 12-14

New claims 12-14 are directed to a computer readable medium with instructions to be executed by a new mobile switching center to perform acts. The recitations of claim 12 include upon the cellular telephone answering, completing the call to the cellular telephone over the trunk group connected to the old mobile switching center. Thus, claim 12 and its dependents are also allowable over the Toyoda reference for at least this reason.

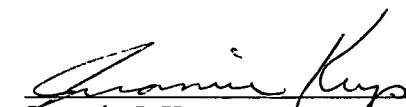
Conclusion

Applicants assert that the application including claims 1-14 is now in condition for allowance. Applicants request reconsideration in view of the amendments and remarks above and further request that a Notice of Allowability be provided. Should the Examiner have any questions, please contact the undersigned.

No fees are believed due. However, please charge any additional fees or credit any overpayment to Deposit Account No. 50-3025.

Respectfully submitted,

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